

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number:
5681-61002

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,958,057, granted September 28, 1999 and for which a reissue patent is sought on the invention entitled METHOD AND APPARATUS FOR POWERING-ON A COMPUTER-BASED SYSTEM VIA A NETWORK INTERFACE, the specification of which

☐ is attached hereto.

☒ was filed on September 26, 2001 as reissue application number 09/965,484 with preliminary amendment adding claims 21-32.

☒ and is amended by the accompanying amendment amending claim 31.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I believe the original patent to be wholly or partly inoperative or invalid:
(Check all boxes that apply.)

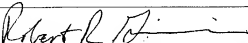
☐ by reason of a defective specification or drawing.

☒ by reason of the patentee(s) claiming more or less than the patentee(s) had a right to claim in the patent.

☐ by reason of other errors.

The patentee claimed less than the patentee had a right to claim in the issued patent. Claims 21-32 of the reissue application are directed to embodiments not covered by issued claims 1-20. Newly added independent claims 21 and 29 are broader in certain respects than issued independent claims 1, 8, and 14. As one example, issued claims 1, 8, and 14 each recite a "peer-to-peer environment," while newly added independent claims 21 and 29 do not include such a limitation. Failure to include claims to these disclosed but unclaimed embodiments constitutes an "error" under 35 U.S.C. § 251.

All errors in the present reissue application up to the time of signing of this declaration, or errors which are being corrected by a paper filed concurrently with this declaration (which correction I/we have reviewed) arose without any deceptive intention on the part of the applicant(s).

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| REISSUE APPLICATION DECLARATION BY THE INVENTOR (cont'd.) | | Docket Number : 5681-61002 |
| <input checked="" type="checkbox"/> The address associated with Customer Number: <u>35690</u> Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398 Telephone: (512) 853-8800 | | |
| I/We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed. | | |
| Full name of sole or first joint inventor: Robert R. Gianni | | Country of Citizenship: US |
| Mailing Address/Residence: 107 Worcester Lane Los Gatos, CA 95032 | | |
| Inventor's Signature:  | | Date: 1/17/2008 |